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ABSTRACT

This bulletin provides guidance and direction to Missouri local education agencies (LEAs) regarding the U.S. Office of Special Education Program's findings that indicate Individualized Education Program (IEP) transition meetings for students with a disability failed to: (1) provide a notice to parents of the IEP meeting with the required components, (2) invite the student to the meetings, and (3) invite representatives of any other agencies likely to be responsible for providing or paying for transition services. Information is provided on IEP meeting notification content, student participation in the IEP transition meeting, consideration of the student's preferences and interests when developing the transition services for the IEP, invitations to the IEP meeting for representatives of agencies likely to be responsible for providing or paying for transition services, identification of which agency will provide and pay for each of the transition services listed in the IEP, identification of the amount and types of services provided by other agencies in the IEP, and the responsibility of the school district for ensuring that the student receives a free, appropriate public education. (CR)

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ED 436 896

TECHNICAL ASSISTANCE BULLETIN

FROM THE MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION, DIVISION OF SPECIAL EDUCATION

ISSUES IN EDUCATION

TRANSITION: SCHOOL TO POST-SCHOOL ACTIVITIES MEETING NOTICE & PARTICIPANTS

JANUARY 1999

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EC 307569

Technical Assistance Bulletin

January 1999

from the Missouri Department of Elementary and Secondary Education, Division of Special Education

Issues *in* EDUCATION

Please copy and route to your staff

Transition

School to Post-school Activities

Meeting Notice & Participants

This bulletin is in response to the 1997 Office of Special Education Program's (OSEP's) monitoring of the Missouri Department of Elementary and Secondary Education's implementation of the Individuals with Disabilities Education Act (IDEA). One finding of noncompliance was when the purpose of an Individualized Education Program (IEP) meeting was to consider transition services . . .

The following requirements were ***not*** followed:

- The notice to parents of the IEP meeting contained the required components;
- the student was invited to the meeting, and if the student could not attend the meeting, the student's interests and preferences were considered; and
- a representative of any other agency that is likely to be responsible for providing or paying for transition services was invited, and when the agency representative was invited but did not attend the meeting, the public agency had taken steps to obtain the participation of the other agency in the planning of transition services.

The Special Education Division has prepared this bulletin to provide technical assistance to teachers, counselors, administrators, parents, and students regarding OSEP's findings for Part B under IDEA, in the section addressing *Transition from School to Post-School Activities – Meeting Notice and Participants.*

When the purpose of the IEP meeting is to consider transition services, the IEP meeting notification to parents must indicate that:

- The purpose of the meeting is to consider transition services;
- the local education agency (LEA) has invited the student;
- a representative of any other agency that is likely to provide pay for transition service has been invited; and
- the LEA has signed consent from the parent prior to inviting representatives from other agencies to the IEP meeting.

IDEA requires that the school district invite the student to participate in the IEP meeting if it will be addressing transition services for the student.

If the student is 14 or older, transition services will always be considered. A student with a disability must always be invited

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to attend their IEP meeting when the purpose of that meeting is to consider transition services. Since it is the school district's responsibility for inviting students to their own IEP meetings, documentation of the student's invitation should be maintained in the student's record. There is no prescribed form for the student invitation; however, school districts *must* be able to demonstrate that a student was invited to attend the meeting.

The student's invitation may be oral or written. The LEA should keep a copy of the letter or teacher notes indicating a verbal invitation. Any written correspondence must be in a language that the student and family can understand.

IDEA also requires consideration of the student's "preferences and interests" when developing the transition services for the IEP.

The student must have the opportunity to indicate his/her preferences and interests during the IEP meeting when transition services are being considered. If the student doesn't attend the IEP meeting when transition services are being discussed (for whatever reason), the district *must* take steps to ensure the student's interests and preferences are considered in the planning of any transition services and during the development of the statement of needed transition services.

IDEA does not prescribe the steps required to ensure that the student's preferences and interests are considered when he or she does not attend the IEP meeting. However, effective practice suggests that if a student does not plan to attend the meeting, the school district may consider other methods for obtaining student input prior to the meeting such as:

- Student conferences and inventories,
- family conferences and inventories,
- career exploration activities,
- vocational aptitude and interest inventories,
- situational assessments, and
- input from peers and other persons who know the student.

Local education agencies or school districts are also required to invite, with parental permission, a representative of any other agency that is likely to be responsible for providing or paying for transition services. If an agency does not send a representative to the meeting, the school district also must take other steps to obtain the participation of the other agency in the planning of any transition services.

It is sometimes difficult to determine which agencies should be invited to send representatives to IEP meetings. In addition to student and parent identification of specific representatives, school district personnel will have to rely on professional judgment and knowledge of the student's potential needs and the local adult agencies to determine which agencies to invite to the first meeting in which transition services are addressed.

If you have specific questions regarding the meeting notification or participants at an IEP meeting for the consideration of transition services, you may call:

- Your Vocational Adjustment Counselor (VAC) or Work-Experience Coordinator (WEC)
- Special Education Area Supervisor, Special Education School Improvement Section – (573) 751-0699.
- Supervisor of Transition Services, Special Education Program Development Section – (573) 526-0299.

Relevant agencies could include:

- Vocational training programs,
- vocational rehabilitation,
- developmental disabilities and regional center providers,
- Job Training Partnership Act providers,
- community colleges, four-year colleges and universities,
- recreational services,
- independent living centers, and
- any other agency determined appropriate to provide transition services for a student with a disability.

Copies of correspondence with invited agencies *should be* included in the student's records to document the invitation. Although there is no prescribed form for the agency invitation, sample forms are found in LP #1465, *Individuals with Disabilities Education Act: Transition Requirements – A Guide for States, Districts, Schools, and Families*, available from the CISE Loan Package Program. To borrow this loan package, please contact CISE at (573) 884-7275 or (800) 976-2473 (Missouri only).

The IEP team must identify which agency will provide and pay for each of the transition services listed in the IEP. Specifying the amount of services provided and listing those services to be provided by each agency in the IEP clearly demonstrates the coordination and level of the other agency's commitment to parents, the student, and other IEP team members.

The 1992 Federal Regulations for IDEA specifically address this issue when they state,

> *The statement of needed transition services should include a commitment by any participating agency to meet any financial responsibility it may have in the provision of transition services.*

Services of another agency *may* be specified on an IEP when that agency's representative is not present at the IEP meeting if the LEA and agency have discussed this prior to the IEP meeting. *However*, steps must be taken to obtain their participation in the planning of transition services prior to the IEP meeting if a representative is not expected to attend. School districts may involve agencies through direct participation or other methods such as conference, telephone contact, or correspondence. If the agency is unable to provide the service, the school district *must reconvene the IEP team* to consider alternative strategies to meet the identified transition needs of the student.

The amount and type of services provided by other agencies must be stated in the IEP. Therefore, changes in the amount or type of services listed in the IEP must be made at another IEP meeting. However, as long as there is no change in the amount or service to be provided, some adjustments in scheduling the services are possible (based upon the professional judgment of the provider) without holding another IEP meeting.

The school district of residence remains responsible for ensuring that the student receives a free appropriate public education (FAPE). Therefore, the district is responsible for ensuring that an agency is providing the services agreed upon in the IEP. Districts may do this in a number of ways. For example, districts may:

- Hold regularly scheduled meetings between the participating agency and the district;
- develop interagency agreements;
- communicate with the participating agency through written progress reports; or
- make other agreed-upon arrangements that ensure the necessary communication between the district and the participating agency.

A school district can monitor service provision through the annual IEP review; and/or periodic formal and informal communication with the service provider, parent, or student, or a representative of the agency responsible for providing or paying for the service.

There are several recourses that a school district can take if an agency fails to provide agreed-upon transition services contained in the IEP:

- ...the school shall, as soon as possible, initiate a meeting of the IEP team to identify alternative strategies (34 CFR 300.347), and
- if an agency other than the school fails to provide or pay for the special education or related services, the school shall provide or pay and then claim reimbursement for the services from the agency that failed to provide or pay pursuant to the terms of the state interagency agreement (if any exists) (20 USC, Sec. 1412).

When agreed-upon services are not provided, the school district responsible for the student's education shall initiate a meeting *as soon as possible* to identify alternative strategies to meet the student's transition service needs and, if necessary, revise the student's IEP. No specific timelines are stated in either the new statute nor the standing regulations.

If the IEP is not being followed, the parent(s) or family has a right to file a child complaint or initiate due process. Either of these may be done in writing with the Department of Elementary and Secondary Education, Division of Special Education.

Alternative strategies could include referral to another agency, identification of another possible funding source, or identification of some alternative ways to provide the same or similar service. Another alternative strategy might be for the school district itself to provide the needed service.

Schools should not automatically bear the cost of transition services which should have been borne by another agency. As stated in the regulation, nothing relieves any participating agency (including Vocational Rehabilitation) of the responsibility to provide or pay for any transition services that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of the agency.

Resources

Missouri Department of Elementary and Secondary Education. (1996). *Issues in transition: Roles and policies.* Columbia, MO: Center for Innovations in Special Education.

O'Leary, E. (1998). *Transition: Terms and concepts.* Des Moines, IA: Mountain Plains Regional Resource Center at Drake University.

Storms, J., De Stefano, L., & O'Leary, E. (1996). Commonly asked questions and answers. In *Individuals with Disabilities Education Act: Transition requirements – a guide for states, districts, schools, and families* (pp. 37-43). Stillwater, OK: National Clearinghouse of Rehabilitation Training Materials. (Available from NCRTM, Oklahoma State University, 816 W. 6th St., Stillwater, OK 74078; (800) 223-5219.)

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